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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,268	02/03/2004	Heng Liao	PAT 2241-2 US	2322
26123	7590	01/02/2008	EXAMINER	
BORDEN LADNER GERVAIS LLP			TRAN, TUNG Q	
Anne Kinsman			ART UNIT	PAPER NUMBER
WORLD EXCHANGE PLAZA			2616	
100 QUEEN STREET SUITE 1100				
OTTAWA, ON K1P 1J9				
CANADA				
			NOTIFICATION DATE	DELIVERY MODE
			01/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipinfo@blgcanada.com  
aarmstrongbaker@blgcanada.com  
akinsman@blgcanada.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/771,268	LIAO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tung Q. Tran	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 October 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) 3 and 6 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4,5 and 7-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

1. The Amendment filed on October 15th, 2007. The Applicants amend claims 1-2, 4, 9-11, and 13, cancel claims 3 and 6, and add new claims 14-15. The Amendment has brought in new matters. Therefore, the amended claims 1-2, 4, 9-11, and 13 and new claims 14-15 cannot be entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-2, 4-5, 7-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, new matters are introduced: receiving data packets each tagged according to an encapsulation scheme and including a port or channel ID; multiplexing a number of data streams according to respective tags, port or channel IDs of said data packets; and mapping each said data stream directly to a physical transport

interface by tag modification independent of any Layer 2 bridging or Layer 3 routing protocol.

Regarding claim 4, new matters are introduced: an ingress portion having an ingress header unit for receiving data from an Ethernet MAC subsystem and extracting 2-tuple ingress search keys including a port or channel ID and an ingress frame tag, wherein said ingress frame tag is according to an ingress frame tag encapsulation scheme; egress portion having an egress header unit for receiving data from said encapsulation engine and extracting 2-tuple ingress search keys including a virtual concatenation ,group ID and an egress frame tag, wherein said egress frame tag is according to an egress frame tag encapsulation scheme.

Regarding claim 9, new matters are introduced: receiving a data packet tagged according to an encapsulation scheme and including a port or channel ID; extracting a search key including said port or channel ID and said tag from said input client frame via said header unit; applying discard policies to said flow FIFO based on said flow context.

Regarding claim 10, new matters are introduced: said scheduling step occurs in accordance with said flow context.

Regarding claim 14, new matters are introduced: said ingress frame tag is an 802.1Q tag, a MPLS tag, or a proprietary tag.

Regarding claim 15, new matters are introduced: wherein said egress frame tag is an 802.1Q tag, a MPLS tag, a proprietary tag, or a GFP tag.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

***Response to Arguments***

4. Applicant's arguments filed October 15<sup>th</sup>, 2007 on rejections of claims 1-2, 4-5, 7-9, and 12 under 35 USC 102 and 103 have been fully considered but they are not persuasive. According to Applicant's Remarks/Arguments on page 7-10, the Applicants argue on new added limitations on the amended claims 1-2, 4, 9-11, and 13 but these claims has brought in new matters. Please see the rejections above.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Q. Tran whose telephone number is (571) 272-

9737. The examiner can normally be reached on Mon-Fri: 7:30 am - 5 pm, off alternative Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang B. Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TQT

KWANG BIN YAO  
SUPERVISORY PATENT EXAMINER

